



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2305693
Applicant Name: Mike Ruhl, for OPUS Northwest.
Address of Proposal: 904 7th Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for a nine story commercial building with street-level retail of 6,430 square feet and eight stories of offices totaling 189,470 square feet. 30,000 square feet of the upper floors space will be in medical services use, with 21,640 square feet located on the second floor and 8,360 square feet located on the third floor; 159,470 square feet will be in administrative office use on the third through the eighth floors. Underground parking for 272 vehicles will be provided on site.

The development site is comprised of the entire half block bounded by Madison Street, Marion Street, 7th Avenue, and the alley intersecting the block midway between 7th and 8th Avenues. The area of the half-block site totals 28,800 square feet. The site is zoned NC3-160, Neighborhood Commercial 3 with a 160-foot height limit.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC)

Administrative Conditional Use—Medical services over 10,000 square feet outside but within 2,500 feet of a medical Major Institution Overlay District –Chapter 23.47.006, Seattle Municipal Code (SMC)

SEPA – to approve, condition or deny pursuant to 25.05.660 - Chapter 25.05, Seattle Municipal Code (SMC)

SEPA DETERMINATION:

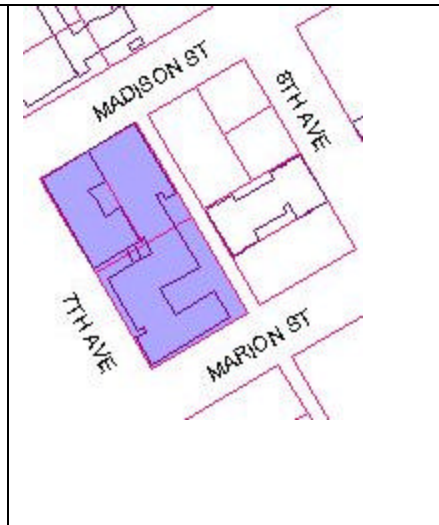
☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading,
or demolition, or another agency with jurisdiction.

BACKGROUND DATA

The 120' x 240' site is located at 904 7th Avenue, on the southeast corner of the intersection of 7th Avenue and Madison Street. The site extends south, between 7th Avenue and the alley to the east, to Marion Street on the south. Currently there is a 6-story mixed-used building and a 2-story commercial building (the Virginia Mason sports medicine center) on the site. The site slopes down approximately 6 feet from east to west and approximately 10 feet from north to south along 7th Avenue. The property is zoned Neighborhood Commercial 3 with a 160 foot height limit (NC3-160). The property is located within the First Hill Urban Center Village. The zoning east of the alley along 8th Avenue is likewise NC3-160 as is the block immediately to the south of the site.



AREA DEVELOPMENT

To the north, east and south are numerous buildings which are part of the campuses of three major medical centers: Virginia Mason, Swedish and Harborview hospitals. A number of medical office buildings comprise the edges of these campuses. The Seattle University campus lies to the east, beyond the Swedish Hospital and Medical Center complex of buildings, just to the east of Broadway. Several institutions are located in the area, within short walking distance of the site: Trinity Episcopal Church, St. James Cathedral, the Frye Art Museum, O'Dea High School, the First Presbyterian Church and Town Hall.

Historically the neighborhood has provided close-to-downtown housing. A few large, substantial single family mansions remain from a century ago, notably the Stimson-Green mansion and the Dearborn house. Several wood frame apartments remain from the same era. A number of impressive brick apartment buildings, generally of 5 and 6-stories, date from the late teens and twenties and define a distinctive multifamily residential character for the area.

The 300-foot plus swath cut along the western edge of the neighborhood in the early 1960s to create the Interstate 5 expressway destroyed a portion of this housing stock, effectively restricted direct access to the area and visibly re-enforced the physical separation of the neighborhood from the Downtown. Except for expansion connected to the various medical centers and some highrise apartment buildings, there has been relatively little development in the area in the past fifty years. The most significant development in the immediate vicinity of the proposal area has been the demolition of multifamily structures to make way for surface parking lots.

Proposal

The proposal for the site consists of a commercial building with street-level retail totaling 6,430 square feet, eight floors of offices and three floors of underground parking to accommodate 272 vehicles. 30,000 square feet of the 189, 470 square feet of office space located above the ground floor will be in

medical service use on the second and third floors. Access to and from the underground parking is proposed off Marion Street. Loading and building services, such as trash and recycle collection will be off the alley along the east side of the site.

Public Comments

Public comment was invited at initial application and at four design review public meetings. Comments from the Design Review meetings are noted within the Design Review process summaries which follow. No written comments were received during the formal comment period.

ANALYSIS - DESIGN REVIEW

At an Early Design Guidance Meeting, attended by three of the Design Review Board members for Area 7 (Capitol Hill) and held on November 5, 2003, the architect, Kay Compton, presented preliminary conceptual plans for a nine-story commercial building with approximately 2500 square feet of retail commercial space on the ground floor and approximately 23,600 square feet of office space on each of eight floors above. Underground parking for 272 vehicles was to be located below ground.

Architect's Presentation:

In making the presentation, the architect referred to the "vision" of First Hill Neighborhood Plan and noted that the proposal responded to elements of that plan in 3 specific ways:

- the proposed structure would become an architectural gateway to First Hill at 7th and Madison, specifically providing a "prominent 'gateway' for retail opportunity at the corner of 7th and Madison";
- the proposed design would meet the wish to increase the amount of open space on First Hill by providing "generous landscaping " along the Marion Street facade;
- the proposed structure would be pushed back four feet from the property line along Madison Street to provide for desired streetscape and pedestrian-oriented improvements as requested by the Seattle Department of Transportation along that major pathway into First Hill.

In addition, the architect pointed to design constraints on the project which had led the design development to its preferred configuration. These included:

- the noise for Interstate 5 immediately to the west;
- the potential for a build-out on the half block across the alley which would block views to the east;
- eleven-foot grade change from north to south along 7th Avenue which made providing retail space at grade along the entire 7th Avenue façade a difficulty.

Responses to those constraints, as presented, included:

- providing three retail spaces at street level with an optimal total square footage of approximately 7,500 square feet;
- decision not to include residential uses within the structure.

At approximately 23,600 square feet, the floor plate for office spaces on the upper floors was described as “marginally adequate” to meet the current market demands for office space.

The principal vehicular access to the site would be from Marion Street close to the intersection of Marion Street and 7th Avenue. Loading and barrier-free accessible parking would be provided off the alley.

BOARD DELIBERATIONS

Having visited the site, and having considered the analysis of the site and context provided by the applicants, and after hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those context, siting and design guidelines found in the City of Seattle *Guidelines for Multifamily & Commercial Buildings* to be of highest priority for this project.

DESIGN GUIDELINES

A Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street

A-5 Respect for Adjacent sites

Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings

A-7 Residential Open Space

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts.

In selecting these guidelines to be of highest priority, the Board expressed a desire that the design truly be a gateway to First Hill. They emphasized that the architect should clearly demonstrate how the proposed structure would substantially enliven the street apart from office hours, and convey a convincing and detailed sense of how the proposed “open-space” at ground level along

the south façade would function to promote human activity at that portion of the site. In particular, the Board directed that:

- The building siting should respect the gateway designation called out for this location in the First Hill Neighborhood Plan. The building should be a gateway to First Hill and not to Downtown and embody a character distinctive of First Hill and evocative of its history and commensurate with the vision contained in the First Hill Neighborhood Plan. The building should embody its iconic responsibilities in more than a superficial or perfunctory way.*
- The streetscape along both Madison and 7th should be enhanced and the relationship and interaction of sidewalk with the retail spaces provided at grade level in the proposed building should be so designed as to demonstrably enliven the pedestrian experience as called for in the Neighborhood Plan.*
- Human activity on the street, promoted by the interface of sidewalk and retail spaces, should be more than an “8 to 5” phenomenon; the applicant should demonstrate how the proposed retail spaces would provide for an enlivening of the street on weekends and after office hours, by means of transparency and lighting, by means of benches and overhead weather protection, for example.*
- The location and quality of the provided open space should be considered as a significant element of the design and the functions it serves made clear in the subsequent presentation. Specifically, the applicant should demonstrate how the location of the sizeable maw of the parking portal does not significantly compromise the human activity projected for the “grassy” open space at the south property edge.*
- The access proposed for underground parking off Marion Street is awkward, both in its closeness to the intersection with 7th Avenue and in the way it severed the proposed open space. The Board indicated they would like a more detailed analysis of various options for access, including alley access. Further study into the possibilities for vehicular access should be presented at the next meeting.*
- The Board agreed with the applicant that the design for the building should provide for a widened sidewalk along Madison; the Board further indicated that the applicant should provide a more detailed analysis and design solutions for the pedestrian requirements along 7th Avenue. Is a greater sidewalk width needed there? What specific input has resulted from the conversations the applicant indicated were underway with Seattle Department of Transportation regarding needs and desires in the right-of-way adjacencies of the proposal?*
- The Board questioned the choice to provide the main lobby entry off 7th Avenue since this resulted in imparting only a secondary stature to the entry off Madison. The long narrow entry throat created for this entry was seen as less than desirable. The Board indicated they would like to see a more detailed study of the building’s pedestrian access, including an option that would provide equal or primary access off the neighborhood’s commercial spine, Madison Street.*
- Plan views, elevations at the ground level and perspective drawings (even if quick sketches) should be provided to illustrate the ideas and should be presented at the next meeting.*

C Architectural Elements and Materials

C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complements the architectural character and siting pattern of neighboring buildings.

C-2 Architectural Concept and Consistency

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The Board requested that the architect should demonstrate a parti for this building for the next meeting and show how the basic scheme or concept –parti-- encapsulates the “gateway” notion articulated in the Neighborhood Plan and provides for an ordered, comprehensible arrangement of elements of the design. Architectural materials, scale and details should be integrated within a building whose concept is appropriate for the site and its surroundings as well as its programmatic uses.

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

D-7 Pedestrian Safety

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board requested that the architect should provide studies of the proposed pedestrian environment on all three street sides of the project and present details for a variety of streetscape amenities, including lighting, benches or other urban street furniture, overhead weather protection, and other elements for generating a friendly and lively environment. The presentation should include a design with a principal, or at least coequal, entrance and lobby off Madison Street.

E Landscaping

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Landscaping should be designed with the goal of realizing the prioritized guidelines, should soften the edge conditions where appropriate, and should contribute to an attractive and usable open space if deemed appropriate for this site.

Development Standard Departures:

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012). From the beginning of the design development for this project the applicant indicated that

the project proponents were neither requesting nor contemplating requesting any departures from Land Use Code development standards.

DESIGN REVIEW RECOMMENDATIONS:

Architect's Presentation of Design Development :

At a March 3, 2004 meeting of the Design Review Board for Area 7, held at Seattle Central Community College and attended by four members of the Board, the architect reviewed the project and highlighted responses within the design to the Early Design Guidance the Board had given at the November 5th Early Design Guidance meeting; specifically the applicant noted the following:

- the proposed structure would provide generous retail frontages along both Madison Street and 7th Avenue;
- the proposed parking access, while still on Marion Street, had been moved further east from the intersection with 7th Avenue; as revised, the shift attempted to resolve two issues: 1) possible congestion at the intersection of 7th Avenue and Marion Street, and 2) allowance for a larger, uninterrupted landscaped area at the southwest corner of the site;
- the architectural concept or *parti* animating the proposed structure consisted of two distinctive “bars,” slipping past each other; the portion of the building fronting Interstate 5 and facing the downtown office core consisted of a glass curtain-wall systems, while the bar closest the alley presented itself as a mass with a textured precast skin and punched openings;
- the proposed structure would provide an “inviting” high-ceiling-ed, retail space at the corner of 7th and Madison, providing a “great room” at the corner, predominately glass and “open and inviting.”
- in contrast to the design shown at the Early Design Guidance meeting, the principal pedestrian entrance would be off Madison Street, with a secondary entrance along 7th Avenue where individuals could be dropped off at the curb.

BOARD DELIBERATIONS

General Directives

After further clarifying questions and after hearing public comment on the project, the four members of the Board present agreed that there were a number of concerns and reservations regarding the project which still need addressing.

- The Board members indicated that it was not clear to them from the drawings and information presented just how the building met the ground along Madison Street or 7th Avenue, or what was happening in the spaces to be created at street level. The Board requested more detail and studies at a finer grain and scale which would further illuminate the design of the following areas: light and shadow along Madison Street, daytime and nighttime amenities, and the diurnal interaction of the building with the sidewalk/ pedestrian realm along all three street facades.
- While acknowledging that the *parti* of “two bars” was potentially conceptually strong, the Board suggested that the glass curtain wall bar which took its “inspiration from the freeway” needed refinement to make itself convincing. The question was raised whether some other sources of inspiration might be looked for and asked the applicant to explore whether some variegation might not be introduced into the otherwise monomorphic west-facing steel and glass facade. “Is there

something here that could be carved away to refine the statement?” The Board also suggested that the north-facing façade was the weakest of the elevations that had been presented and the interface of bar to bar along that façade worthy of revisiting for added refinement and resolution.

- The Board suggested that the alley-facing façade was quite monotonous and overwhelming, not only as an elevation drawing but in terms of its built impact on the residential structure purportedly in line to be constructed on the other side of the alley. The applicant, in passing, had referred to an attempt to coordinate elements of the design of the office tower with the residential structure being proposed along the east side of the alley. The Board asked the applicant to explain at the next meeting how the height, bulk and scale of the office building, as portrayed in the east elevation, and the effects of these on light and shadows to the east and views from the east, etc., were intended to interact with the residential building proposed for across the alley. The applicant should also be prepared to show how various elements of the proposed office structure at alley level related to functions of the proposed residential building.
- The Board acknowledged a difficulty in understanding, from the drawings presented, how the open space along the south edge of the building was intended to function and how the landscaped spaces interacted with users of the building and with pedestrians moving along both Marion Street and 7th Avenue. For the next meeting the Board requested sections from the sidewalks on both 7th Avenue and on Marion Street through the terraced landscape areas and into the building. These sectional studies should be augmented by some perspective sketches or other graphic studies calculated to convey the character of the open-space/landscape area from along Marion Street and of the character of the passage from Marion along this area into the building.
- In order better to understand the character of the interaction of retail spaces and entrances and the sidewalks along both Madison Street and 7th Avenue, the Board requested to see, at the next meeting of the Board, detailed drawings (at least at 1/8 inch scale, or perhaps at a more revealing scale) of the street-level facades along both streets. The Board agreed they would also like to see some perspective sketches or other studies calculated to convey a strong experiential sense of being a pedestrian outside this building on both Madison Street or 7th Avenue. Presentation materials for the next Board meeting should include studies which indicate the sun/shadow effect of the building at various daylight hours and various seasons along the pedestrian environment of Madison Street between 7th Avenue and the alley to the east of the proposed building.

Final Recommendation Meeting

At a final Recommendation Meeting of the Design Review Board, held at Seattle Central Community College on August 4, 2004, and attended by all five members of the Design Review Board for Area 7, the architect presented drawings and plans which showed further refinement and development of the commercial building. With some changes on location and configuration, the proposed structure continued to provide generous retail frontages along both Madison Street and 7th Avenue; the architectural concept, or *parti*, animating the proposed structure still consisted of two distinctive “bars,” slipping past each other; the portion of the building fronting Interstate 5 and facing the downtown office core consisted of a glass curtain-wall systems, while the bar closest the alley presented itself as a mass with a textured pre-cast skin and punched openings; as in earlier articulations, the proposed structure would provide an “inviting” high-ceiling-ed, retail space at the corner of 7th and Madison, providing a “great room” at the corner, predominately glass and “open and inviting”; a new development, the interior wall of the lobby would incorporate large format photos encapsulating some of the history of First Hill and thus advance the “gateway” notion discussed earlier, in tangible and iconic fashion.

In response to the Board's earlier concern that some variety be introduced into the otherwise monomorphic west-facing steel and glass façade, the architect showed a design with a large recessed window or box within the window wall. This was matched with a similar depression on the more substantial, more opaque alley façade, in response to the Board's earlier comments that the alley-facing façade was quite monotonous and overwhelming, not only as an elevation drawing but in terms of its built impact on the residential structure purportedly in line to be constructed on the other side of the alley.

BOARD CLARIFYING QUESTIONS AND COMMENTS AND PUBLIC COMMENT

Prior to its deliberation, the Board asked several clarifying questions and solicited comments from the public. As had been the case earlier, the applicant indicated that no departures from development standards were being requested through the design-review process. Among other public comments, generally in favor of the design that had been developed, were a strong endorsement of the idea of creating a wall of photos within the first level lobby, linking the building to the First Hill's historic past, and the suggestion that the project would benefit from a neighborhood kiosk to be located near the corner of 7th and Madison. Members of the public present also endorsed the concept of a monumental water feature on the 7th Avenue side of the building.

BOARD DELIBERATIONS

General Directives

The five members of the Board present were agreed that the structure proposed for the site had undergone design development in tune with the Early Design Guidance indicated by the Board and in keeping with the guidance that had been given at the earlier Recommendation meeting. The Board remained concerned about the high blank façade bordering the alley and the way the building addressed the pedestrian realm along Marion Street and conveyed to the applicant their concern that further design development in these areas should impart a finer grain and palatability to these areas. They also seconded the public comment that some kind of way-finding kiosk should be incorporated into the structure or at the point where the structure met the sidewalk near the "gateway" intersection of 7th and Madison. While recommending to the Director that the proposal be approved with these suggestions for improvement, the Board recommended that two conditions should temper their approval of the project as presented:

- The Board members agreed that the large water feature, present more conceptually than in precise detail, was integral to the design they were recommending for approval and should be retained and realized at the scope and scale and artistic level indicated in the conceptual drawings as presented in order to make the building truly work at this site. The DPD Land Use Planner in reviewing the development of this feature in developed construction drawings should ensure that the feature measured up in scope, scale and artistic level to the expectations voiced by the Board.
- Responding to the applicant's desire to coordinate elements of the design of the office tower with a residential structure which might be proposed along the east side of the alley, the Board recommended that the large boxed and punched recess along the alley façade should be transparent so as to allow light, if not actual views, to pass through the proposed building and create a sense of openness and connectivity through the site.

In recommending approval of the project, the Board indicated that it was their understanding that the exterior colors and materials for the built project would be within the range of materials and colors presented to the Board at the meeting. It was also understood that any substantial revision in height, bulk or scale, in façade appearances or materials, in architectural details or in landscaping concept, scope, or materials would have to be returned to the Board for their subsequent approval. Conformance of the final design to the substance of the conditions stated below could be certified by the Land Use Planner assigned to the project without returning to the Board for further approval.

DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the five Design Review Board members present at the Design Review meeting and finds that they are consistent with the *City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings*.

Therefore, the proposed design is **approved** as presented at the August 4, 2004, Design Review Board meeting, with **conditions** as noted below.

ANALYSIS – ADMINISTRATIVE CONDITIONAL USE

The Land Use Code requires that any medical service use in excess of 10,000 square feet, outside of, but within 2,500 feet of a medical Major Institution Overlay district boundary, requires a determination by the Director that an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist. In making this determination, the following factors are to be examined: 1) providing for the medical service use will also maintain the viability and longer-term potential neighborhood-serving character of the commercial area, and 2) the proposed medical service use will not displace the existing neighborhood-serving commercial uses at street level nor disrupt a continuous commercial street front, particularly of retail and personal service uses (SMC 23.47.006B8). In addition, the following criterion must be met: the use shall not be materially detrimental to the public welfare or be injurious to property in the zone or vicinity in which the property is located (SMC 23.47.006 A1).

The proposed development site is within 2,500 square feet of three medical Major Institution Overlay district boundaries, namely those of Virginia Mason Hospital, Swedish Hospital and Medical Center, and Harborview King County Hospital. At present, the two-story structure on the south portion of the site houses a “Sports Medicine Center,” a medical service use associated with Virginia Mason Medical Center.

The existing mixed-use, residential and commercial, building on the northwest corner of the site provides a retail sales and service use at street level (shoe store), accessed at the corner of Madison Street and 7th Avenue. A second retail sales and service use, a Dry Cleaning establishment, also faces onto Madison Street. These uses currently serve to define a desired and desirable neighborhood-serving commercial strip along Madison Street at the gateway entry to First Hill.

“Neighborhood-serving” is probably best defined by elements within the *First Hill Neighborhood Plan* and the *First Hill Approval and Adoption Matrix* which identify a “Key strategy” as the creation of a thriving residential and commercial “Madison Street District” “at the “heart of First Hill’s commercial area,” a place “that caters to residents, employees and other members of the First Hill community” and “where...members of the First Hill community meet each other (p.3)”. Buildings at neighborhood entry points, including this site which is identified as the west entry point to the neighborhood, are called upon in the Neighborhood Plan to emphasize the First Hill identity. Madison Street is identified as a Key Pedestrian Street and the Madison Street District, a district characterized by ground-level retail uses, begins at this point.

In order to preserve neighborhood-serving commercial uses at street level, the following provisions or conditions would appear to be in order as requirements for the proposed development. First, the 6,430 square feet of ground floor, street-level space proposed for retail sales and services should remain in commercial retail sales and service use throughout the life of the project. This will assure the viability of a continuous neighborhood-serving commercial strip along Madison Street and serve to enliven 7th Avenue where it meets Madison. Second, no medical service use should be allowed to migrate to the street level and any use accessory to or associated with a resident medical service use must be a genuine retail sales and service use if located on the ground floor.

In authorizing a conditional use, the Code provides that conditions may be imposed for mitigating adverse impacts and as needed to protect other properties in the zone or vicinity and to protect the public interest. So conditioned, the limited medical service use within the upper stories of the proposed structure will maintain the viability and longer-term potential neighborhood-serving character of the commercial area, and will not displace existing neighborhood-serving commercial uses at street level. Conditions addressing the above concerns and impacts are included below, after the SEPA conditions. As so conditioned, the medical service use would not be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the property is located.

ANALYSIS-SEPA

This analysis relies on the *SEPA checklist* submitted to DPD, dated January 21, 2004, and subsequently reviewed and annotated by the Department. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the project.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The project is expected to have both short and long term impacts.

Short-term (Construction-Related) Impacts

Construction-Related Impacts

Traffic

In the normal course of events, the arrival of workers is expected to occur in early a.m. hours, prior to peak traffic periods on surrounding streets. Likewise, their departure is expected to occur during afternoon hours, prior to p.m. peak traffic periods.

Excavation of the proposed underground parking garage would extend as much as 40 feet below existing grade. Overall, it is anticipated that the proposal would require excavation of approximately 30,000 cubic yards of material, none of which is to be stockpiled on site. The 30,000 cubic yards of material would be exported to an as yet undetermined site. Truck trips related to excavation and construction are expected to be spaced in time as they either load material and depart or arrive from various locations. These trips could have a negative affect upon transportation levels of service on the surrounding street and highway system unless carefully scheduled, however. Staging of trucks in immediate site proximity during excavation and concrete pouring has the potential for localized traffic disruptions. Existing regulatory authority in place with Seattle Department of Transportation (SDOT) allows for some control through permitting review of use of surrounding streets to mitigate these potential impacts. Because it might be advantageous, since it might result in an overall lessening of the duration of short-term construction impacts, to allow for night-time excavation and foundation work, DPD will approve nighttime hours of construction if such is requested as part of a Construction Impact Management Plan, one that provides for adequate mitigation of adverse notice and other impacts. A noise variance is not part of this review but could be separately considered in the future.

Public sidewalks are found on three abutting rights-of-way, Madison Street, 7th Avenue and Marion Street. Although Marion Street does not regularly handle large numbers of pedestrians, the sidewalk along the south side of Madison Street provides a significant pedestrian pathway with extensive utilization between downtown and the First Hill neighborhood. While not serving the same volume of pedestrians as does Madison Street, 7th Avenue provides an important pedestrian corridor. In particular, it provides a path for pedestrians traveling between the substantial number of surface parking locations just east of Interstate 5 in the First Hill neighborhood and destinations downtown. There is no sidewalk along the west margin of 7th Avenue, which serves as an off-ramp at the point it intersects Marion Street. It is necessary, therefore, to use SEPA policy authority to require that predictable paths of pedestrian travel be established and maintained along the project site. It is desirable that the

sidewalks abutting the project site along Madison Street generally be kept open and safely passable throughout the construction period. It is essential that the sidewalk along 7th Avenue between Marion and Madison streets be kept open and safe. Any case for the need for the closure of the sidewalk on Madison Street needs to be disclosed in the Construction Impact Management Plan which must have DPD approval. Any necessity judged to require a temporary closure of the sidewalk on 7th Avenue must in each instance have DPD as well as SDOT approval. These conditions are enumerated below.

Excavation

Excavation to provide the levels of underground parking will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction. Cleanup actions and disposal of contaminated soils, if any, on site will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340). Compliance with the Uniform Building Code (or International Building Code) and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to existing storm drain systems. A drainage control plan, including a temporary, erosion and sedimentation control plan and a detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

Noise-Related Impacts

Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction (demolition, shoring, excavation). Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the presence of some nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 7:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; if the contractor chooses to

work on the following holidays in the City of Seattle calendar, they should be treated as Saturdays, with work restricted to the hours of 9:00AM to 6:00 PM: Martin Luther King, Jr. Birthday, Presidents' Day, Veterans' Day.)

That having been said, it is also recognized that some construction-related activities (e.g., excavation and sub-grade pouring of concrete, with proper noise-management technologies and processes in place, may reduce the overall impact of short-term construction noise by substantially shortening the construction timetable. Such modified construction schedule might also serve to lessen traffic impacts and to shorten truck turn-around times during the excavation phase of construction. Any change in the allowable hours of construction would require approval of noise variance as needed and approval of a full-term Construction Impact Management Plan. The plan would need to include measures to mitigate adverse impacts from construction noise. Submission and approval by both DPD and SDOT of the Construction Impact Management Plan shall be required before issuance of any building permits for the site.

Air Quality Impacts

Construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Long-Term Impacts — Use-Related Impacts

Land Use

The proposed project, with its sidewalk widening, overhead weather protection, retail frontages and entries along sidewalks, medical office and other office uses, is consistent with the City of Seattle Comprehensive Plan (1994), and the First Hill Neighborhood Plan (1998).

Transportation

The elements of the transportation study prepared by Heffron Transportation, Inc. for the proposal were determined by DPD to establish the study area, and the key traffic issues. The Heffron report (*Transportation Impact Analysis*, January, 2004) is included in the file for this project and evaluates the net additional impacts of the proposed project.

Traffic

Over the long-term, vehicular and pedestrian traffic will increase as a result of this proposal. Demand upon general area transportation systems, including transit, will also increase. Ten intersections were studied as part of the Heffron report. In project year 2006, inclusion of project related traffic adds an estimated 2,750 daily vehicle trips to surrounding streets, 351 in the AM peak hour and 348 in the PM peak hour. The project would add traffic to two intersections which the baseline level of service for 2006 foresees as performing at Level of Service (“LOS”) F, namely 7th Avenue/Madison Street and 7th Avenue/James Street. During the PM peak hour the project would affect several intersections. The level of service at two intersections would degrade one level. The project would add traffic to one intersection which the baseline level of service for 2006 foresees as performing at LOS F, namely 6th Avenue/James Street. Given the high volume of commute traffic and their proximity to the I-5 ramps, it is not unusual that these signalized intersections would experience high vehicle delay and volume-to-capacity (v/c) ratios. The foregoing analysis by Heffron utilized the Highway Capacity Manual (HCM) analysis methodology. Another analysis employed by Heffron, Synchro Analysis Methodology, which would account for such factors as coordination between adjacent signals, right-turn-on-red, and queuing, indicates that the three intersections seen as performing at Level F LOS in the HCM analysis would actually operate at LOS E or better during both AM and PM peak hours. Both analyses confirm that the proposed project would add very little delay to the affected intersections (less than 2 seconds), whether operating at Level E or F LOS. The project traffic would be proportional to the project's share of total entering traffic at these locations. Project impacts would not be substantial in comparison to the baseline condition without-project traffic. Therefore, no off-site mitigation is proposed.

A Transportation Management Plan (“TMP”) as proposed as a mitigating measure in the Heffron Transportation Impact Analysis, and as consistent with the City of Seattle Department of Planning and Development Director's Rule 14-2000, or whatever Director's Rule may be in effect at the time, shall be required. The TMP shall have the goal of reducing the number of office workers coming to the building by single occupancy vehicles to no more than 50%, which is consistent with the Heffron analysis. The Plan, with applicable waivers, shall be submitted for review to DPD and SDOT. This measure would reduce the degree of project impacts.

Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available “concurrent” with proposed development projects. The four evaluated screenlines included in the Heffron analysis would have v/c ratios less than the respective LOS standard and the addition of peak hour traffic generated by the proposal would meet the City's transportation concurrency requirements.

Parking

There are currently twelve parking spaces off the alley on the east side of the site which would be displaced by this proposal. The development on site proposes to provide 272 parking spaces in four levels below grade. Parking beneath the structure would be accessed through a proposed curbcut on Marion Street. Three bading berths would be provided within the proposed structure at grade and would be accessed off the existing alley as would be xx first level parking spaces.

A parking demand analysis was included within the Heffron *Transportation Impact Analysis* (January 22, 2004) to determine how closely the proposed number of parking spaces would match the anticipated parking demand. Total parking demand was calculated by considering the gross square feet in retail and office use and travel mode splits. Rates were used from the ITE Parking Generation tables and distributed throughout the day using distribution patterns from the Urban Land Institute to estimate a peak demand of 286 parking spaces during the mid-morning hours. Parking demand would exceed the on-site parking supply between 9 AM and 4 PM and generate a need for up to 39 stalls off-site during this time period. This would not exceed the site's current overflow parking which is calculated at 44 spaces in excess of the 12 stalls provided. Since the proposed overflow would be less than currently exists at the site, no mitigation is proposed. There is public parking available within the half-block just to the east of the project across the alley. The entire block to the south is a pay-for-parking surface parking lot. There are several other pay-for-parking surface parking lots in the immediate vicinity of the project. The amount of on-street and pay-for-parking stalls within a walkable distance would be in excess of 500 stalls.

It is expected that 60 percent of this project's peak hour traffic trips would occur by private vehicle. Only about 25 percent of the retail trips are expected to be made in private vehicles. This is predicated upon the size and kind of retail uses and the expectation that the retail space would primarily serve local employees and nearby residents and that most customers would walk to these uses or visit them from within the site.

A Transportation Management Program (TMP) and/or Commute Trip Reduction (CTR), expected to achieve a singles occupancy vehicle mode split of 50 percent, a carpool mode split of 10 percent, and transit or other non-motorized modes totaling 40 percent, is proposed for the project site and/or employers at the site and shall be required for the project site and for employers on site and shall be implemented to reduce single-occupant commute trips, thereby reducing peak parking demand.

DECISION – SEPA

This decision was made after review of the SEPA checklist, the Transportation Impact Analysis, as well as other information on file with the Department. This action constitutes the lead agency's final decision and has been signed by the responsible official on behalf of the lead agency. Pursuant to State and Local environmental regulations, alternatives to the proposed action meeting the applicants' objectives were considered. All information relied on by the Department and responsible official concerning the proposal and the alternatives is and has been available to the public.

DPD finds that proposed development including mitigation measures proposed by the applicant or imposed as conditions of the Master Use Permit would be reasonably compatible with existing land uses and the City's land use and environmental policies, and should be **conditionally approved**.

CONDITIONS-SEPA

Prior to Beginning of the Demolition/Construction Phases

1. Submit a copy of the Puget Sound Clean Air Agency notice of construction.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. The applicant shall be required to limit periods of construction to between the hours of 7:00 a.m. and 7:00 p.m. on non-holiday weekdays and to 9:00 a.m. to 5:00 p.m. on non-holiday Saturdays. The no-work holidays are the following: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. The following holidays in the City of Seattle calendar shall be treated as Saturdays, should the contractor choose to perform construction-related activities on these days: Martin Luther King, Jr. Birthday, Presidents' Day, and Veterans' Day. Activities which will not generate sound audible at the property line such as work within enclosed areas, or which do not generate significant levels of sound, such as office or security functions, are not subject to this restriction.
3. The sidewalk adjacent the project site and running along the 7th Avenue right-of-way shall be kept open and made safely passable throughout the construction period. Should a determination be made by the Seattle Department of Transportation (SDOT) that closure of this sidewalk is temporarily permissible because necessary for demolition, shoring, structural modification or other purposes, DPD shall be notified by the developer or general contractor at least three days prior to the planned temporary closure and a plan shall be presented and approved by DPD prior to the closure. The temporary closure plan shall present alternative mitigation that is sufficient to mitigate the impacts this condition is intended to address.

Prior to Issuance of a Building Permit

4. A Transportation Management Program (TMP) with a single-occupancy vehicle mode split of 50 percent shall be required for the project site and for employers on site and shall be implemented to reduce single-occupant commute trips, thereby reducing peak parking demand.

The TMP shall utilize Director's Rule 14-2002 and be submitted for review to DPD and SDOT.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

Prior to Issuance of Master Use Permit

1. Update plan sets to reflect details of plans as presented at the August 4, 2004 Design Review meeting and all items contained in the Correction Notice of January 24, 2005.

Prior to issuance of a Building Permit

2. Provide for approval by the DPD Land Use Planner detailed drawings of the water feature presented at the August 4, 2004 meeting.

Prior to Certificate of Occupancy

3. Construct a building with design, siting, façade materials and architectural details substantially the same as those presented within the plans submitted at the August 4, 2004 Design Review Board meeting and as revised per recommendations of the Board at that meeting.

CONDITIONS-SEPA

Prior to Beginning of the Demolition/Construction Phases

1. Submit a copy of the Puget Sound Clean Air Agency notice of construction.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

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The TMP shall utilize Director's Rule 14-2002 and be submitted for review to DPD and SDOT.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

1. No medical service use shall be allowed at street level for the life of the project.
2. A minimum of 6,430 square feet of ground floor, street-level space shall be maintained as commercial retail sales and service use for the life of the project.

Signature: (signature on file) Date: January 27, 2005
Michael Dorcy, Land Use Planner
Department of Planning and Development
Land Use Services